

Message Text

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21

ACTION OES-05

INFO OCT-01 NEA-10 ISO-00 ABF-01 FS-01 L-03 /021 W
----- 117490

R 090956Z FEB 76
FM AMEMBASSY TUNIS
TO SECSTATE WASHDC 1638

LIMITED OFFICIAL USE SECTION 1 OF 2 TUNIS 0911

DEPT: FOR OES:BEAUBIAN

E.O.: 11652: N/A
TAGS: TPHY, OSCI, TS
SUBJ: SFCP COMMON ADMINISTRATIVE ARRANGEMENTS

REF : 74 TUNIS 6883, 75 STATE A-4304, 75 TUNIS 2316, TUNIS 299

1. SUMMARY: IN RECENT CONVERSATIONS, OFFICIALS MIN FOR AFFAIRS HAVE PASSED ON GOT REACTIONS TO PROPOSED AGREEMENT GOVERNING SFCP RESEARCH PROJECTS AND MADE UNOFFICIAL SUGGESTIONS REGARDING CHANGES TO MEET SOME TUNISIAN RESERVATIONS. POSSIBLY MOST DIFFICULT ISSUE WILL BE STATUS OF 1968 SMITH-SONIAN SCIENTIFIC COOPERATION AGREEMENT. ACTION REQUESTED: APPRECIATE REACTIONS TO GOT SUGGESTIONS AND EMBASSY RECOMMENDATIONS AND OUTLINE OF NEXT STEPS FOR CONCLUSION OF AGREEMENT. END SUMMARY.

2. U.S. DRAFT TEXTS OF EXCHANGE OF LETTERS AND GENERAL PROVISIONS FOR SFCP PROJECTS (REFAIR) AND FRENCH TRANSLATIONS HAVE BEEN REVIEWED BY MOFA AND SFCP TUNISIAN COLLABORATING AGENCIES. TEXTS GENERALLY ACCEPTABLE TO GOT WITH CERTAIN SUGGESTED MODIFICATIONS WHICH WILL NEED WASHINGTON CONSIDERATION AND DECISION. MOFA ALSO STATES IT IS MAKING SOME STYLISTIC CHANGES IN FRENCH TEXTS, WITHOUT AFFECTING SUBSTANCE OR REQUIRING MODIFICATION OF ENGLISH TEXTS. SUBSEQUENT PARAGRAPHS OUTLINE GOT SUGGESTED CHANGES AS WELL AS EMBASSY COMMENTARY ON EACH POINT.

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3. EXCHANGE OF LETTERS, NUMBERED SECTION ONE. GOT

REQUESTS SPECIFIC REFERENCE TO POSSIBILITY FOR GOT TO PROPOSE PROJECTS FOR FINANCING. EMBOFF NOTED THAT THIS SECTION REFERS TO ADVANCE SUBMISSION OF SFC PROGRAM INTENTIONS FOR COMING YEAR, INCLUDING ONGOING AND NEW PROJECTS, ALMOST ALL OF WHICH WOULD HAVE ALREADY BEEN ELABORATED BETWEEN U.S. AND TUNISIAN AGENCY. POSSIBILITY NOW EXISTS FOR TUNISIAN INITIATION OF PROJECTS AT EARLIER STAGE BUT TO MEET GOT DESIRE WE SUGGEST ADD FOLLOWING SENTENCE: "PROJECTS ON LIST SUBMITTED BY U.S. TO BE SUBJECT TO JOINT U.S./TUNISIAN PROJECT ELABORATION AND CAN BE INITIATED BY EITHER U.S. OR TUNISIAN AGENCY OR INSTITUTION."

4. EXCHANGE OF LETTERS, NUMBERED SECT 4: GOT SUGGESTS MODIFICATON OF THIS SECTION TO CORRESPOND WITH FISCAL/ CUSTOMS BENEFITS ACCORDED "COOPERANTS" FROM OTHER COUNTRIES. EMBOFFS NOTED THAT AMERICAN SFCP PROJECT SCIENTISTS ARE NOT TECHNICAL ASSISTANCE "COOPERANTS" OR ADVISORS AS TERM NORMALLY USED IN TUNISIA, BUT INSETEAD ARE ACTING AS AGENTS OF U.S. INSTITUTION IN TUNISIA ON JOINT RESEARCH PROJECT. EMBASSY HAS REQUESTED COPY OF "COOPERANT" REGULATIONS AND WILL POUCH TO DEPT (OES, BEAUBIAN) WHEN RECEIVED. WE WITHHOLD RECOMMENDATION ON ALTERNATION THIS SECTION UNTIL REGULATIONS RECEIVED, SINCE BENEFITS MAY BE EQUAL TO OR BETTER THAN THOSE IN DRAFT AGREEMENT.

5. EXCHANGE OF LETTERS, NUMBERED SIX: AS PREVIOUSLY, REPORTED (74 TUNIS 6338), GOT WISHES TO HAVE NEW AGREEMENT SUPERSEDE, AS OVERALL AGREEMENT, 1968 SMITHSONIAN AGREEMENT, AND PREFERS OMISSION THIS CLAUSE. EMBOFF POINTED OUT THAT SMI WOULD BE RELUCTANT ABANDON EXISTING 68 AGREEMENT UNLESS ALL TERMS OF NEW AGREEMENT WERE MADE AT LEAST AS FAVORABLE, IN WHICH CASE IMPROVED TERMS WOULD APPLY TO ALL SFCP'S. MOFA SUGGESTED THAT COVERAGE OF SPECIFIC POINTS IN THE 1968 AGREEMENT WHICH MAY BE APPLICABLE TO AN INDIVIDUAL FUTURE PROJECT BUT NOT PROVIDED FOR BY PROPOSED AGREEMENT COULD BE INCORPORATED IN PROJECT OPERATING PLAN. EMBASSY BELIEVES GOT FIRMLY OPPOSED TO PRESENT LANGUAGE THIS SECTION, BUT MAY ACCEPT PASSING REFERENCE TO SMI PROJECTS, AND 1968 AGREEMENT. POSSIBLE NEW PARA 6: "IN RECOGNITION OF THE 1968 AGREEMENT CONVERNING PROJECTS DEIRECTED BY THE SMITHSONIAN INSTITUTION, LIMITED OFFICIAL USE

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PROVISIONS OF THAT AGREEMENT MAY BE INCORPORATED INTO INDIVIDUAL PROJECT OPERATING PLANS WHERE DEEMED NECESSARY BY THE SMITHSONIAN INSTITUTION". AS ALTERNATIVE, EMBASSY WOULD APPRECIATE LIST OF PROPOSED CHANGES WHICH SMI BELIEVES WOULD BE ESSENTIAL TO EQUATE BENEFITS OF NEW AGREEMENT WITH 68 AGREEMENT.

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DEPT FOR OES: BEAUBIAN

6. GENERAL PROVISIONS (GP) DEFINITIONS: FRENCH TRANSLATION OF TERM "PROJECT OFFICER" AS "CHARGE DE PROJET" CREATED PROBLEMS FOR GOT AGENCIES, BUT DIFFICULTY CAN BE OVERCOME BY EXPLICIT INDICATION THAT APPOINTMENT OF "PROJECT OFFICER" WILL BE SPELLED OUT IN OPERATING PLAN. SUGGEST PHRASE "WHEN SO DESIGNATED BY THE US AGENCY" BE REPLACED BY "IF PROVIDED FOR IN THE OPERATING PLAN".

7 GP SECT I PARA 3: GOT REQUESTS CONCEPT OF CONSULTATION BE INTRODUCED IN CASES OF ALLEGED EXPENDITURES "NOT IN ACCORDANCE WITH HE PURPOSES OR PROVISIONS (OF THIS AGREEMENT)". EMBOFFS NOTED THAT AID AGREEMENTS PROVIDE FOR IDENTICAL UNILATERAL DECISIONS ON MISUSED FUNDS. DIFFICULTY ARISES FROM GOT "BUDGETIZATION" OF SFCP FUNDS, THUS MAKING ANY REFUND A CLAIM ON GOT RESOURCES, NOT RESOURCES OF TUNISIAN COLLABORATING INSTITUTION. SUGGEST ADDITION OF "AFTER CONSULTATION WITH GOT" FOLLOWING "DETERMINED BY THE UNITED STATES GOVERNMENT" (LINE 6). THIS LANGUAGE RETAINS UNILATERAL DECISION CONCEPT YET INTRODUCES GOT ROLE.

8. GP SECT II, PARA 4: GOT PROPOSED THAT TUNISIAN COLLABORATING AGENCY SHOULD HAVE SOME CONTROL OVER PAYMENTS TO US PROJECT PERSONNEL IN TUNISIA FROM FUNDS RESERVZD FOR US PROJECT EXPENSES. CLEARLY US AGENCIES CANNOT ACCEPT TUNISIAN AGENCY VETO OR POWER OVER PAYMENTS TO US EXPERTS. IN FURTHER DISCUSSIONS,

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MOFA OFFICIALS SAID GOT, AS MINIMUM, BELIEVES WORK (AND THEREFORE PAYMENT) OF US PERSONNEL IN TUNISIA SHOULD BE SUBJECT TO REPORTS FROM COLLABORATING TUNISIAN INSTITUTION AS TO QUALITY, PERFORMANCE, ETC. IF ACCEPTABLE TO US AGENCIES, EMBASSY BELIEVES GOT CAN BE BROUGHT AROUND TO ACCEPT STIPULATION THAT REPORTS FROM COLLABORATING TUNISIAN AGENCY WILL BE TAKEN INTO CONSIDERATION WITH RESPECT TO EVALUATION OF WORK BY US PERSONNEL, AND THEIR SUBSEQUENT PAYMENT, EITHER AS SALARIES OR AS SUBSEQUENT INSTALLMENTS OF GRANT.

9. GP SECT III, PARA 3: GOT REQUESTS THAT ACCESS TO OFFICERS OR EMPLOYEES OF TUNISIAN COLLABORATING INSTITUTION BE LIMITED TO THOSE CONCERNED WITH PROJECT. SUGGEST LAST SENTENCE THIS SECTION BEGIN WITH WORD "APPROPRIATE".

10. GP SEC XI: GOT REQUESTS 10 PER CENT MARGIN OF ERROR BE INCREASED DUE TO PRESENT PRICE FLUCTUATIONS AND INFLATION. SUGGEST SOME INCREASE IF POSSIBLE, PERHAPS TO 15-20 PERCENT.

11. COMMENT: MOFA EMPHASIZED THAT ITS INFORMAL COMMENTS ON DRAFT AGREEMENTS WERE TO BE TREATED AS IDEAS FOR MODIFICATIONS RATHER THAN RIGID REQUIREMENTS. EMBASSY OPTIMISTIC DRAFT CAN BE FINALIZED WITH MINIMUM FURTHER NEGOTIATIONS UPON RECEIPT OF WASHINGTON RESPONSE TO ABOVE POINTS. SUGGESTED LANGUAGE CHANGES HAVE NOT RPT NOT BEEN CLEARED BY MOFA OFFICIALS AND WOULD STILL HAVE TO BE NEGOTIATED, EVEN IF ACCEPTABLE TO WASHINGTON. WE NOTE PROPOSED EXCHANGE OF LETTERS DOES NOT EXPLICITLY STATE THAT TERMS OF NEW AGREEMENT APPLY ONLY TO NEW PROJECTS, BUT AMBIGUITY THIS POINT MIGHT BE DESIRABLE EXCEPT FOR SMI PROJECTS.

12. ACTION REQUESTED: WE WOULD APPRECIATE OUTLINE OF STEPS NECESSARY TO FORMALIZE AND CONCLUDE AGREEMENT.
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